

AMENDED IN ASSEMBLY APRIL 7, 2016

AMENDED IN SENATE APRIL 30, 2015

AMENDED IN SENATE APRIL 16, 2015

**SENATE BILL**

**No. 482**

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**Introduced by Senator Lara**

February 26, 2015

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An act to add Section 11165.4 to the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 482, as amended, Lara. Controlled substances: CURES database.

Existing law classifies certain controlled substances into designated schedules. Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by all practitioners authorized to prescribe or dispense these controlled substances. Existing law requires dispensing pharmacies and clinics to report specified information for each prescription of a Schedule II, Schedule III, or Schedule IV controlled substance to the department.

This bill would require all prescribers, as defined, prescribing a Schedule II or Schedule III controlled substance, to consult a patient's electronic history in the CURES database before prescribing the controlled substance to the patient for the first time. The bill would also require the prescriber to consult the CURES database at least annually when the prescribed controlled substance remains part of the patient's treatment. The bill would prohibit prescribing an additional Schedule II or Schedule III controlled substance to a patient with an existing

prescription until the prescriber determines that there is a legitimate need for the controlled substance.

The bill would make the failure to consult a patient's electronic history in the CURES database a cause for disciplinary action by the prescriber's licensing board and would require the licensing boards to notify all prescribers authorized to prescribe controlled substances of these requirements. The bill would provide that a prescriber is not in violation of these requirements ~~during any time that the CURES database is suspended or not accessible, or during any time that the Internet is not operational.~~ *if a specified condition exists, including any time that the CURES database is suspended or not accessible, an inability to access the CURES database in a timely manner because of an emergency, when the controlled substance is prescribed to a patient receiving hospice care, or when the controlled substance is directly administered to the patient by the person prescribing the controlled substance.* The bill would make its provisions operative upon the Department of Justice's certification that the CURES database is ready for statewide use.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11165.4 is added to the Health and Safety
- 2 Code, to read:
- 3 11165.4. (a) A prescriber shall access and consult the CURES
- 4 database for the electronic history of controlled substances
- 5 dispensed to a patient under his or her care before prescribing a
- 6 Schedule II or Schedule III controlled substance for the first time
- 7 to that patient and at least annually when that prescribed controlled
- 8 substance remains part of his or her treatment. If the patient has
- 9 an existing prescription for a Schedule II or Schedule III controlled
- 10 substance, the prescriber shall not prescribe an additional controlled
- 11 substance until the prescriber determines that there is a legitimate
- 12 need for that controlled substance.
- 13 (b) Failure to consult a patient's electronic history as required
- 14 by subdivision (a) is cause for disciplinary action by the
- 15 prescriber's licensing board. The licensing boards of all prescribers
- 16 authorized to write or issue prescriptions for controlled substances
- 17 shall notify these licensees of the requirements of this section.

~~(e) Notwithstanding any other law, a prescriber is not in violation of this section during any period of time in which the CURES database is suspended or not accessible or any period of time in which the Internet is not operational.~~

*(c) A prescriber is not liable in a civil action solely for failing to consult the CURES database as required pursuant to subdivision (a).*

*(d) The requirement in subdivision (a) does not apply, and a prescriber is not in violation of this section, if any of the following conditions are met:*

*(1) The CURES database is suspended or inaccessible, the Internet is not operational, the data in the CURES database is inaccurate or incomplete, or it is not possible to query the CURES database in a timely manner because of an emergency.*

*(2) The controlled substance is prescribed to a patient receiving hospice care.*

*(3) The controlled substance is prescribed to a patient as a part of a surgical procedure that has or will occur in a licensed health care facility and the prescription is nonrefillable.*

*(4) The controlled substance is directly administered to the patient by the prescriber or another person authorized to prescribe a controlled substance.*

~~(d)~~

*(e) This section shall not become operative until the Department of Justice certifies that the CURES database is ready for statewide use. The department shall notify the Secretary of State and the Office of Legislative Counsel of the date of that certification.*

~~(e)~~

*(f) For purposes of this section, “prescriber” means a health care practitioner who is authorized to write or issue prescriptions under Section 11150, excluding veterinarians.*

~~(f)~~

*(g) A violation of this section shall not be subject to the provisions of Section 11374.*

*(h) All applicable state and federal privacy laws govern the duties required by this section.*

*(i) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall*

- 1 *not affect other provisions or applications that can be given effect*
- 2 *without the invalid provision or application.*

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